



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.11356 of 2021

S.Saradhambal

... Petitioner

/Vs./

1.The General Manager,
Canara Bank,
Circle Office,
Human Resource Management Section,
Madurai.

2.The Deputy General Manager,
Canara Bank,
Regional Office,
No.1, Muthaiah Towers,
Trichy - 1.

3.The Manager,
Canara Bank,
Thumbalam Branch,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to close the Kamadhenu Deposit No.1778401003153/1 dated 30.09.2016 outstanding with the 3rd respondent Rs.11,50,000/- with its maturity proceeds, based on the last representation dated 16.04.2021.

For Petitioner	: Mr.R.Murugan
For Respondents	: Mr.N.Dilipkumar
	Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to close the Kamadhenu Deposit No.1778401003153/1 dated 30.09.2016 and pay the petitioner a sum of Rs.11,50,000/- together with its maturity proceeds, based on the petitioner's representation dated 16.04.2021, within a time frame to be fixed by this Court.

2.The case of the petitioner is that the third respondent has not paid the maturity proceeds pertaining to her Kamadhenu Deposit No.1778401003153/1 dated 30.09.2016 on the ground that the petitioner's husband, Mr.M.Siva, who was an employee of the respondent bank had misappropriated the funds. According to the petitioner, she is noway involved in the alleged offence and therefore, the respondents have illegally not paid the maturity



proceeds pertaining to the aforementioned fixed deposit to her. The petitioner has given a representation on 16.04.2021 requesting the third respondent to pay the aforementioned amount to her. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.R.Murugan, learned Counsel for the writ petitioner and Mr.N.Dilipkumar, learned Standing Counsel, who accepts notice on behalf of the respondents.

4.No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting her the right of personal hearing and also permitting her to produce the documentary evidence.

5.The petitioner has also filed a copy of the Kamadhenu fixed deposit receipt No.1778401003153/1 dated 30.09.2016 for a sum of Rs.11,50,000/- standing in her name. Despite the fixed deposit having attained maturity, the maturity proceeds have not been paid to her. According to the petitioner, she is noway liable for the alleged misappropriation committed by her husband, Mr.M.Siva.

6.It is also contended by the petitioner that she is a retired PG Assistant and her entire savings are now lying with the respondent bank. All these issues will have to be considered by the respondent bank while considering the petitioner's representation.

7.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 16.04.2021 requesting the second respondent to close the Kamadhenu Deposit No.1778401003153/1 dated 30.09.2016 and pay the petitioner a sum of Rs.11,50,000/- together with accrued interest and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting her the right of personal hearing and also permitting her to file any documentary evidence if she requires, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The General Manager,
Canara Bank,
Circle Office,
Human Resource Management Section,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy General Manager,
Canara Bank,
Regional Office,
No.1, Muthaiah Towers,
Trichy - 1.

3.The Manager,
Canara Bank,
Thumbalam Branch,
Trichy District.

+1 CC to M/s.R. MURUGAN, Advocate (SR-19795[F] dated 20/04/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-19904[F] dated
20/04/2022)

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19.04.2022

MGJ(13.05.2022) 3P 6C